

PTO/S9/21 (09-04)

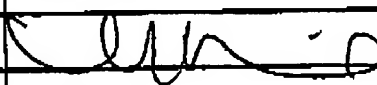
TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/665,974	
	Filing Date	September 18, 2003	
	First Named Inventor	DEEM, MARK E.	
	Art Unit	3739	
	Examiner Name	Michael F. Peffley	
Total Number of Pages in This Submission	4	Attorney Docket Number	022128-000300US

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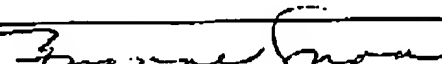
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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Summary of In Person Interview and Comment on Published Application (2 pp.) with copy of Page 3 of Amendment filed October 27, 2005 (1 p.)..
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Nena Balns		
Date	February 21, 2006	Reg. No.	47,400

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. 1-571-279-8300 on February 21, 2006.			
Signature			
Typed or printed name	Yvonne Mock	Date	February 21, 2006

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PATENT

Attorney Docket No.: 022128-000300US

on February 21, 2006

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP

By: 

Yvonne Mock

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK DEEM et al.

Application No.: 10/665,974

Filed: September 18, 2003

For: Methods and Apparatus for Treatment of
Patent Foramen Ovale

Confirmation No. 5366

Examiner: Michael F. Peffley

T.C./Art Unit: 3739

**SUMMARY OF IN PERSON
INTERVIEW AND COMMENT
ON PUBLISHED APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants thank Examiner Peffley for the helpful interview on Monday, February 13, 2006. At the interview Applicant's undersigned attorney described the differences in the manner of energy delivery in the Ginn et al. patent with energy delivery as claimed in the present invention.

Applicants also wish to draw the Examiner's attention to an amendment recently filed in published application no. US2004/0243122 (10/754,790) which is of record in the present application. In an Amendment dated January 27, 2006, disclosure purportedly taken from a prior provisional application no. 60/447,760, filed on February 13, 2003, was added as paragraphs 61 and 62. A copy of page 3 from the Amendment is attached. While paragraph 62 suggests "melting a membrane" to form "a hybrid biologic/polymer structure," it nowhere teaches or suggests advancing a closure device to a PFO and applying energy to the closure

Appl. No. 10/665,974
Summary of In Person Interview and Comment
on Published Application dated February 21, 2006 DRAFT


PATENT

device to cause adhesion between the closure device and tissue to fix the closure device to the tissue.

The 60/447,760 provisional application is not presently available on PAIR since the application number originally recited was incorrect. Thus, Applicants in the present application have no way of confirming what was in the 60/447,760 text.

If for any reason the Examiner believes a telephone conference would in any way expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Nena Bains
Reg. No. 47,400

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Attachment(s): Copy of Page 3 of Amendment filed October 27, 2005

JMH:nap
60706727 v1

Application No. 10/754,790
Reply to Office Action of October 27, 2005

Docket No.: 571208001US2

[0044] RF electrodes 53 can be disposed on the surface of proximal 61 and/or distal 63 inflation members using techniques including: ion implanting, electroplating, sputtering, electro-deposition and chemical and/or adhesive bonding methods; to disposed various RF electrodes 53 on the surface of the proximal 61 and distal 63 inflation members. Electrodes 53 may be formed from gold, platinum, silver, or other materials, preferably, these other materials should be malleable, suitable for in-vivo tissue contact, and thermally conductive.

Please add the following between paragraphs [0060] and [0081] of the application, as originally filed, and please renumber original paragraphs [0061] and [0062] as follows:

U.S. APPLICATION NO. 60/447,750

A. Closure of Patent Foramen Ovale Via Tissue Welding

[0061] This disclosure describes a method to close a probe patent foramen ovale using a concept of electrical "spot welding" of the tissue planes together. This may be achieved by placing a clamp device across the atrial septum that contains electrodes. These electrodes are energized with an appropriate energy source, and momentarily melt the collagen tissue of the valve together. This is, in effect, a spot-weld of the tissue without the need for an implantable device. The overlap of the septae are welded together at spots of the high temperature.

[0062] The technique may also entail a prosthetic membrane that can be melted with the high temperature of the electrical energization. This then becomes an integral part of the tissue, as tissue grows into the membrane to make a hybrid biologic/polymer structure.